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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,454	04/30/2001	Bharath Rangarajan	F0662	3018

7590 03/23/2004

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EXAMINER

TRAN, BINH X

ART UNIT	PAPER NUMBER
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1765

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/845,454	Applicant(s) RANGARAJAN ET AL.	
	Examiner Binh X Tran	Art Unit 1765	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

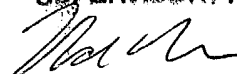
Claim(s) objected to: 10-12.

Claim(s) rejected: 1-9 and 25.

Claim(s) withdrawn from consideration: 13-24.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

NADINE G. NORTON
SUPERVISORY PATENT EXAMINER



Continuation of 5. does NOT place the application in condition for allowance because:

The applicants argue that neither Eriguchi nor Su teaches or suggest "a system for directing a single beam of light onto one or more gratings located on at least on portion of the wafer" and a "system operable to measure one or more etching parameters from light reflected from the one or more gratings". According to applicants, Eriguchi teaches a system for detecting defects in a semiconductor region via emitting two light beams -an exciting light and a monitoring light. The examiner disagrees. The examiner recognizes that Eriguchi teaches to direct two light beams onto different portion of the wafer to measure/analyze the etching parameters (i.e. delta R/R, etching time, photo energy, laser intensity, RF bias power etc). However, there is no limitation in the claim which excluding the use of two light beams since the applicants use the term "comprising" in the preamble. The applicants further argue, "The present invention as recited in the claim can be employed to measure various critical dimensions related to at least a portion of a wafer directly. Eriguchi, et al. cannot be utilized to measure numerous features when employing the invention as recited in claim 1". This argument is not commensurate with the scope of the claim. There is no limitation in the claim, which specifically identify the "various critical dimensions" related to the wafer. The applicants use the general term "etching parameters" in claim 1 instead of defining the specific parameter for "various critical dimensions". The examiner still maintains that Eriguchi discloses the all the parameter that read on the "etching parameter" as claimed by applicant

The applicants further argue, "The present invention can thus be employed to control features measured via light reflected from the one or more gratings. More particular, size of the features, shape of features, dimensions of space between feature, etc can be measured and controlled...as recited in the claim." Again this argument is not commensurate with the scope of the claim. There is no limitation in the claim to support such features (i.e. size of the features, shape of features, dimension of space between feature) argued by applicants.

Respect to the arguments in paragraph number II, III, and IV, the examiner still maintains that the rejection is proper in view of the cited prior arts.

Binh X. Tran

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